UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,912	11/28/2000	Murugan Palaniappan	13223US01	6433

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EXAMINER
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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 November 2001_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _7-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _7-28_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _3_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Application filed 11/28/00 and IDS filed

4/3/2001.

2.   Claims 7-28 are pending in the case. Claims 7, 20, and 23 are independent claims.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

4.   **Claims 7-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply**

with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains,

or with which it is most nearly connected, to make and/or use the invention. The application as a

whole appears to be a portal page that interacts with "Asera Commerce Server" (spec. p. 2).

However the invention is defined in terms of this Sever, which is not enabled by the

specification. While the Office acknowledges that the Applicant is permitted to be their own

lexicographer, terms such as, "dynamic wireframe," "static wireframe," "workflow," to name a

few, are being obviously explained in terms of this product. An *exemplary* section is on page 10

lines, 18-28, describing Portal Objects in terms of "Micro Template Tags," "static wireframes,"

and "pieces of workflow" none of which are defined in the specification. This problem is replete

throughout the specification.

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

6.   **Claims 7-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite**

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

The numerous enablement problems above cause many of the terms to indefinite, terms

that do not have a common meaning, do not set forth distinct metes and bounds for the claims.

For example, "dynamic wireframe," is not a term with an accepted meaning within the art.

There is an entire section of the specification (pp. 10-12) explaining its characteristics. There is

not a simple meaning to it, which it makes it unclear what limitations of that section explaining it

are attached to the term, and therefore does not define the metes and bounds of such limitations.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

8.   **Claims 7-15, and 17-28 are rejected under 35 U.S.C. 102(e) as being anticipated by**

Flesner et al. (USPUB 20020194267A1, effective filing date 6/23/2000).

Regarding independent claim 7, Flesner discloses a plurality of personalized content items,

which represent specialized views of web based applications (Fig. 2). Flesner also teaches a

multi-dimensional arrangement of the items (Fig. 2). Due the indefiniteness of the claim as

described above, the limitation involving the "static wireframe" is broadly interpreted to mean

that the page is personalized by embedding the personalized object within the web page, which is taught by Flesner (p. 1, [11]).

Regarding dependent claim 8, Flesner teaches the arrangement contains columns, which have a certain width, with the columns have personalized items (Fig. 2).

Regarding dependent claim 9, Flesner teaches the items are stacked vertically (Fig. 2).

Regarding dependent claim 10, Flesner teaches different version of default layouts (p.6, [94]).

Regarding dependent claim 11, Flesner teaches each group is targeted to a different group of users (p.6, [94]).

Regarding dependent claim 12, Flesner teaches different versions are created by an administrator (.p 10, [183]).

Regarding dependent claim 13, Flesner teaches different versions are created by an administrator (.p 10, [183]), and the user can modify them (p. 6, [84]).

Regarding dependent claim 14, Flesner teaches that end users can personalize the layout (p.6 [88]). Flesner teaches that some content can be determined by the user and others managed by the administrator (p. 6, [88]).

Regarding dependent claim 15, Flesner teaches that there can be a middle section, such as the search box (Fig. 2). The user may make choices, as shown by the "edit" button.

Regarding dependent claim 17, defining the applications to be "business applications" has no effect on the invention and is deemed to be non-functional descriptive data, and is therefore taught as described in claim 7 above. However, assuming that that the limitation is functional, Fig. 2 shows a discussion board that relates to the "business" of "ABC Inc."

Regarding dependent claim 18, Flesner teaches the items of Fig. 2 are objects in a portal, and therefore are portal objects (p. 2, [19]).

Regarding dependent claim 19, as "ACS presentation layer" is neither enabled nor a definite term, it is taken to be non-functional descriptive data, and is taught by its parent claim.

Regarding independent claim 20, the method of using the apparatus of claim 1 is rejected under the same rationale.

Regarding dependent claim 21, Flesner teaches the items of Fig. 2 are objects in a portal, and therefore are portal objects (p. 2, [19]).

Regarding dependent claim 22, Flesner teaches the there are several potential styles for web pages (p. 10, 168). Flesner teaches selecting one based in the criteria (p. 10, 172). Flesner teaches that the user style preferences are overlaid upon the default version (p. 6, 88).

Regarding independent claim 23, Flesner discloses a plurality of personalized content items, which represent specialized views of web based applications (Fig. 2). Flesner also teaches a multi-dimensional arrangement of the items (Fig. 2). Due the indefiniteness of the claim as described above, the limitation involving the "static wireframe" is broadly interpreted to mean that the page is personalized by embedding the personalized object within the web page, which is taught by Flesner (p. 1, [11]). Flesner teaches rules that affect a user layout (p.10, 167-172), and selecting an appropriate version based on the rules (p.10, 167-172).

Regarding dependent claim 24, Flesner teaches establishing privilege access levels for the user (p. 7, 103). As a user must log in every time the page is created, the page is rebuilt with the new privileges (135-140).

Regarding dependent claim 25, the terms composite step and port are inadequately enabled by

the specification (as described above) and are therefore indefinite and will not be considered for

examining purposes only. Flesner teaches the personalized content items, or modules, are

replaced by code snippets (p. 9, 141).

Regarding dependent claim 26, Flesner teaches the code snippets include HTML (p. 9, 141).

Regarding dependent claim 27, Flesner teaches the modules get their settings from an XML

document, which is a hierarchical system. Flesner teaches the appropriate settings are based on

evaluation of the rules (p.10, 167-172).

Regarding dependent claim 28, Flesner teaches the modules get their settings from an XML

document, which is a multidimensional hierarchical system.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flesner.

Regarding dependent claim 16, Flesner discloses and top and bottom section (Fig. 2). Flesner

teaches that the administrator can manage and position any content (p. 6, [84]). However,

Flesner does not explicitly teach specifically locking the top and bottom portions. It would have

been obvious to one of ordinary skill in the art at the time of the invention to lock those

particular portions as the invention was designed to give the administrator such flexibility to lock

any part (p. 6, [84]).

11.   Claim 19 is additionally rejected under 35 U.S.C. 103(a) as being unpatentable over

Flesner as applied to claim 7 above, and further in view of Applicant's Admitted Prior Art.

Regarding dependent claim 19, Flesner does not teach the ACS presentation layer, however

Applicant admits the ACS was known in the art (p. 3). It would have been obvious to one of

ordinary skill in the art at the time of the invention to use an extensible architecture as the system

of Flesner was designed to object oriented model system (p. 3, [42]).

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

13.   If a copy of a provisional application listed on the bottom portion of the accompanying

Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-

892 has been annotated to indicate that the copy was not readily available, it is because the copy

could not be readily obtained when the Office action was mailed. Should applicant desire a copy

of such a provisional application, applicant should promptly request the copy from the Office of

Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under

37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to

this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a

substantial delay by the Office in fulfilling the order for the copy of the provisional application.

Where the applicant has been notified on the PTO-892 that a copy of the provisional application

is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will

be automatically furnished without charge does not apply.

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adam M Queler whose telephone number is (703) 308-5213.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ

STEPHEN S. HONG
PRIMARY EXAMINER